



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

STATE BOUNDARY COMMISSION

AUGUST 6, 2007

NOTICE OF FILING

SBC DOCKET #07-AP-6

PETITION FOR ANNEXATION
of certain territory in Danby Township
to the City of Portland (Ionia County)

Dear Involved Parties and Boundary Commissioners:

This is notification that the State Boundary Commission received a petition on July 27, 2007 requesting the annexation of certain territory in Danby Township to the City of Portland. A copy of the petition is enclosed.

A meeting notice will be transmitted when this docket is scheduled for the determination of legal sufficiency.

If you have any questions, please feel free to contact me directly either by telephone (517-241-6321), or by e-mail (holmesc@michigan.gov).

Sincerely,

Christine A. Holmes, Manager
State Boundary Commission
Office of Land Survey and Remonumentation

Encl.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30704 • LANSING, MICHIGAN 48909
Phone (517) 241-6321 • Fax (517) 241-6301
www.michigan.gov

LAW OFFICE OF
JULIE BEARD TRAVIS PLC



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JUL 27 2007

STATE BOUNDARY COMMISSION

July 26, 2007

Christine Holmes
State Boundary Commission
6546 Mercantile
Lansing, Michigan 48911

Re: Portland Church of the Nazarene

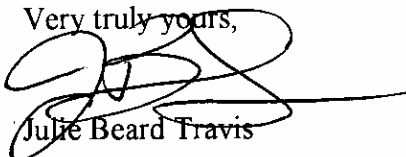
Dear Ms. Holmes:

Enclosed please find an annexation petition on behalf of the Portland Church of the Nazarene for your review. I have enclosed the following documents:

1. Petition Parts I, II^a, III, IV, V, Va, VI, VII
2. Warranty Deed evidencing Portland Church of the Nazarene's ownership of the property.
3. February 18, 2007 Resolution to pursue annexation.
4. June 17, 2007 meeting minutes authorizing Trustee, Fred Van Amburg to sign the petition.

If you have any questions or need further documentation, please contact me.

Very truly yours,



Julie Beard Travis

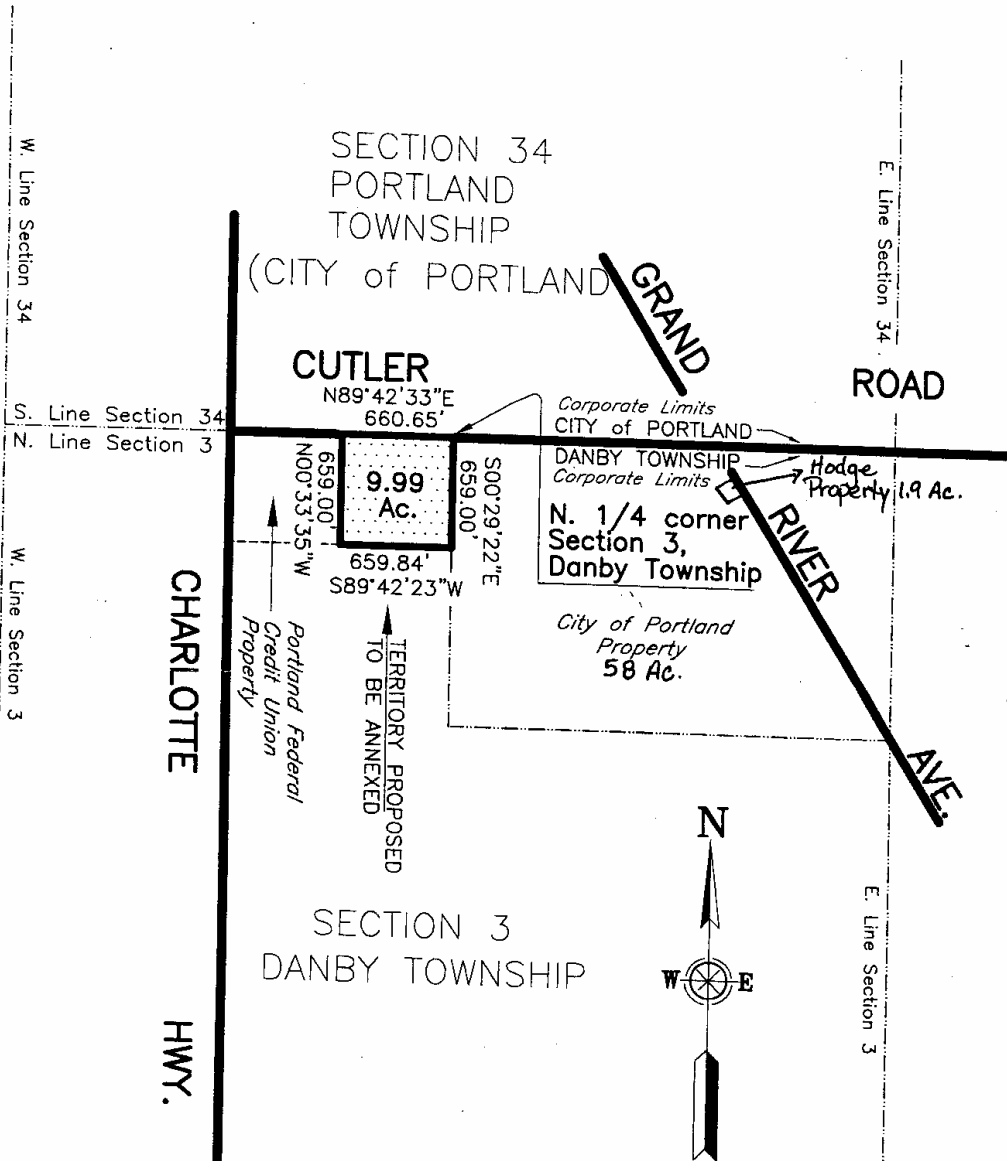
Enclosures

PART I

PROPOSED ANNEXATION

FOR: PORTLAND CHURCH OF THE NAZERENE REQUESTED BY: JULIE BEARD TRAVIS

DESCRIPTION: PART OF THE NW 1/4 OF SECTION 3, T5N-R5W, DANBY TOWNSHIP, IONIA COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE S 00° 29' 22" E 659.00 FEET ALONG THE PORTLAND CITY LIMITS, BEING THE NORTH-SOUTH 1/4 LINE OF SECTION 3; THENCE S 89° 42' 23" W 659.84 FEET; THENCE N 00° 33' 35" W 659.00 FEET; THENCE N 89° 42' 33" E 660.65 FEET ALONG THE PORTLAND CITY LIMITS, BEING THE NORTH LINE OF SECTION 3 TO THE POINT OF BEGINNING.



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STATE BOUNDARY COMMISSION

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JUL 27 2007

**ANNEXATION PETITION BY OWNERS
OF AT LEAST 75% OF THE LAND**

Part II

STATE BOUNDARY COMMISSION

To the State Boundary Commission:

We, the undersigned who hold record legal title to 75% or more of the area of the land, exclusive of streets, described herein (in Part III) and located in Danby Township, Ionia County, do petition that this territory be annexed to the City of Portland and that this annexation be considered by your commission in accordance with the provisions of Act 279 of the Public Acts of 1909, as amended, and the provisions of Act 191 of the Public Acts of 1968, as amended.

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STATE BOUNDARY COMMISSION

ANNEXATION PETITION BY OWNERS OF AT LEAST 75% OF LAND

PART IIa

As petitioner(s), it is your responsibility to furnish the State Boundary Commission the names, addresses and telephone numbers of persons and governmental bodies that will be noticed for Commission meetings and hearings. The importance of accurate and most current information cannot be overemphasized. Processing of this petition may be delayed if inaccuracies cause improper notice. PLEASE PRINT

1.

Name of Petitioner:	PORTLAND CHURCH OF THE NAZARENE		
Mailing Address:	FRED VANAMBURG, TRUSTEE		
	15353 W. GRAND RIVER AVE., EAGLE, MI 48822		
Telephone Number:	(517) 627-6787	Fax:	()

2.

Name of Township:	DANBY TOWNSHIP		
Name of Township Clerk:	KRISTINA PLATTE		
Mailing Address:	13122 CHARLOTTE HWY.		
	SUNFIELD, MI 48890		
Telephone Number:	(517) 649-2200	Fax:	(517) 649-0032

3.

Name of City:	CITY OF PORTLAND		
Name of City Clerk:	YVONNE M. MILLER		
Mailing Address:	259 KENT ST.		
	PORTLAND, MI 48875		
Telephone Number:	(517) 647-3211	Fax:	(517) 647-2938

4.

Name of County:	IONIA COUNTY		
Name of County Clerk:	TONDA RICH		
Mailing Address:	100 MAIN ST., IONIA COUNTY COURT HOUSE		
	IONIA, MI 48846		
Telephone Number:	(517 616) 527-5322	Fax:	(616) 527-8201

5. If the petition should involve more than one petitioner, township, county and/or village, place the additional information on separate sheet and attach to this form.

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STATE BOUNDARY COMMISSION

JUL 27 2007

Annexation Petition by Owners of at Least 75% Land

STATE BOUNDARY COMMISSION

Part III

The territory proposed to be annexed to the City of Portland is described as follows:

LEGAL DESCRIPTION: PART OF THE NW1/4 OF SECTION 3, T5N-R5W, DANBY TOWNSHIP, IONIA COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTH ¼ CORNER OF SAID SECTION 3; THENCE S 00° 29' 22" E 659.00 FEET ALONG THE PORTLAND CITY LIMITS, BEING THE NORTH-SOUTH ¼ LINE OF SECTION 3; THENCE S 89° 42' 23" W 659.84 FEET; THENCE N 00° 33' 35" W 659.00 FEET; THENCE N 89° 42' 33" E 660.65 ALONG THE PORTLAND CITY LIMITS, BEING THE NORTH LINE OF SECTION 3 TO THE POINT OF BEGINNING.

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STATE BOUNDARY COMMISSION

**ANNEXATION PETITION BY OWNERS
OF AT LEAST 75% OF THE LAND**

Part IV

1. That attached hereto (in Part VI) and made a part hereof is a brief and concise written statement as to the purpose, necessity and urgency of the requested action.
2. That attached hereto (in Part I) and made a part hereof is a map or drawing clearly showing the territory proposed for annexation (in Part I).
3. That each petitioner was shown the attached map or drawing before signing the petition.
4. That each signer has described that land and area that each signer owns and attached the deed or copy of the deed of the described land.
5. That the undersigned, first being duly sworn, deposes and says that the territory described herein (in Part III) and proposed to be annexed to the City of Portland contains a total land area of 9.99 acres.

Fred Van Amburg
Signature

Portland Church of the Nazarene

Fred VanAmburg, Trustee

Printed Name

15353 W. Grand River Ave.

Address and Street

Eagle, Michigan 48822

City /State

7-26-07

Date

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Annexation Petition by Owners of at Least 75% of the Land

Part V

The following signer holds legal title to land having an area of 9.9 acres which is located within the territory proposed to be annexed and is described as follows:

LEGAL DESCRIPTION: PART OF THE NW 1/4 OF SECTION 3, T5N-R5W, DANBY TOWNSHIP, IONIA COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTH ¼ CORNER OF SAID SECTION 3; THENCE S 00° 29' 22" E 659.00 FEET ALONG THE PORTLAND CITY LIMITS, BEING THE NORTH-SOUTH ¼ LINE OF SECTION 3; THENCE S 89° 42' 23" W 659.84 FEET; THENCE N 00° 33' 35" W 659.00 FEET; THENCE N 89° 42' 33" E 660.65 ALONG THE PORTLAND CITY LIMITS, BEING THE NORTH LINE OF SECTION 3 TO THE POINT OF BEGINNING.

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In those instances where the 75% ownership requirement is being met through multiple ownership of the land described for annexation, each owner whose land comprises a portion of the required 75% located within the area described for annexation must complete PART V and PART Va.

ANNEXATION PETITION BY OWNERS
OF AT LEAST 75% OF THE LAND

Part Va

The Undersigned, first being duly sworn, deposes and says that he/she holds record title to land he/she has described in Part V which is within the area described in Part III, and to his/her best knowledge and belief the statements contained in the petition are true.

Fred Van Amburg
Signature

Portland Church of the Nazarene
Fred VanAmburg, Trustee
Printed Name

15353 W. Grand River Ave.
Address and Street

Eagle, Michigan 48822
City /State

7-26-07
Date

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DEPT. OF LABOR & ECONOMIC GROWTH

JUL 27 2007

STATE BOUNDARY COMMISSION

Subscribed and sworn this 26 day of July, 2007

Julie B. Travis
Julie B. Travis, Notary Public, Ionia County
My commission expires: 2-08-08

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STATE BOUNDARY COMMISSION

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STATE BOUNDARY COMMISSION

STATE BOUNDARY COMMISSION

**Annexation Petition by Owners of at Least 75% of the Land
Part VI**

We further represent that the annexation proposed in this petition is necessary or desirable at this time for the following reason(s):

The parcel proposed for annexation is approximately 9.9 acres situated on the southeast end of the City of Portland on Cutler Road between Charlotte Hwy. to the west and Grand River Ave. to the south. The parcel is bordered by the City of Portland to the north and east and by Danby Township to the south and west. The parcel is owned by the Portland Church of the Nazarene and it is the location of the church, adjacent community center and parsonage.

In 2006, the Church undertook a tremendous project to expand the church facilities by constructing a 16,000 sq. ft. building, which will house a regulation-size gymnasium, a youth playground, a youth center, classrooms, and a kitchen. The project budget is estimated to be between 1.2 million and 1.5 million. This is truly a community-centered project, as all of the facilities will be available for community use, for little to no cost. The Church has already been approached by several organizations inquiring about availability; for example, St. Patrick's School inquired about utilizing the gymnasium for its sporting events.

However, such an expansion created a need for municipal services that Danby Township cannot offer, including the provision of water and sanitary services, and police services. The project requires a sprinkler system that the Church's current water supply cannot begin to serve. The estimate for an onsite sprinkler system pump and 10,000 gallon reservoir is \$135,000. The cost for an onsite sanitary system is estimated at \$25,000 and where it can be placed is of concern. Receiving city water and sewer would save the church more than \$100,000. In addition, there would be no concerns about the Church's future needs exceeding the current capacity. In terms of land use planning, it seems ludicrous to erect a 10,000 gallon water reservoir when water is available *directly across the street*. Furthermore, municipal water and sewer could decrease the property insurance rates. For example, the fire rating within the City of Portland is 5 whereas in a township the rating rises to 8 or 9, which translates into a significant increase in premiums. The City of Portland has the capacity with its municipal water and sanitary services to support the addition of this property to the city's system.

Other municipal services that would benefit the Church include the accessibility of the city's police department versus the county sheriff patrol. Greater law enforcement presence will be needed given that the community center is intended to have a significant youth presence and that the facilities will be available for private banquets, meetings, etc. City patrols are significantly greater in number and frequency than the county sheriff or state police can or do provide. Furthermore, the City of Portland has stated that the police department will not respond to routine calls outside of its jurisdiction (routine being anything short of life or death). Township property owners will have to wait, and wait, and wait for the county sheriff or state police.

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In the hope that the spirit of cooperation would finally prevail, the Church has patiently waited for more than 18 months for the City and Township to work out an agreement so that annexation could be avoided. To date that has not occurred, due to the City and Township arguing over issues that have *nothing* to do with the Church itself. A brief synopsis of what has transpired in the past year and a half will provide context for the urgent need for this petition.

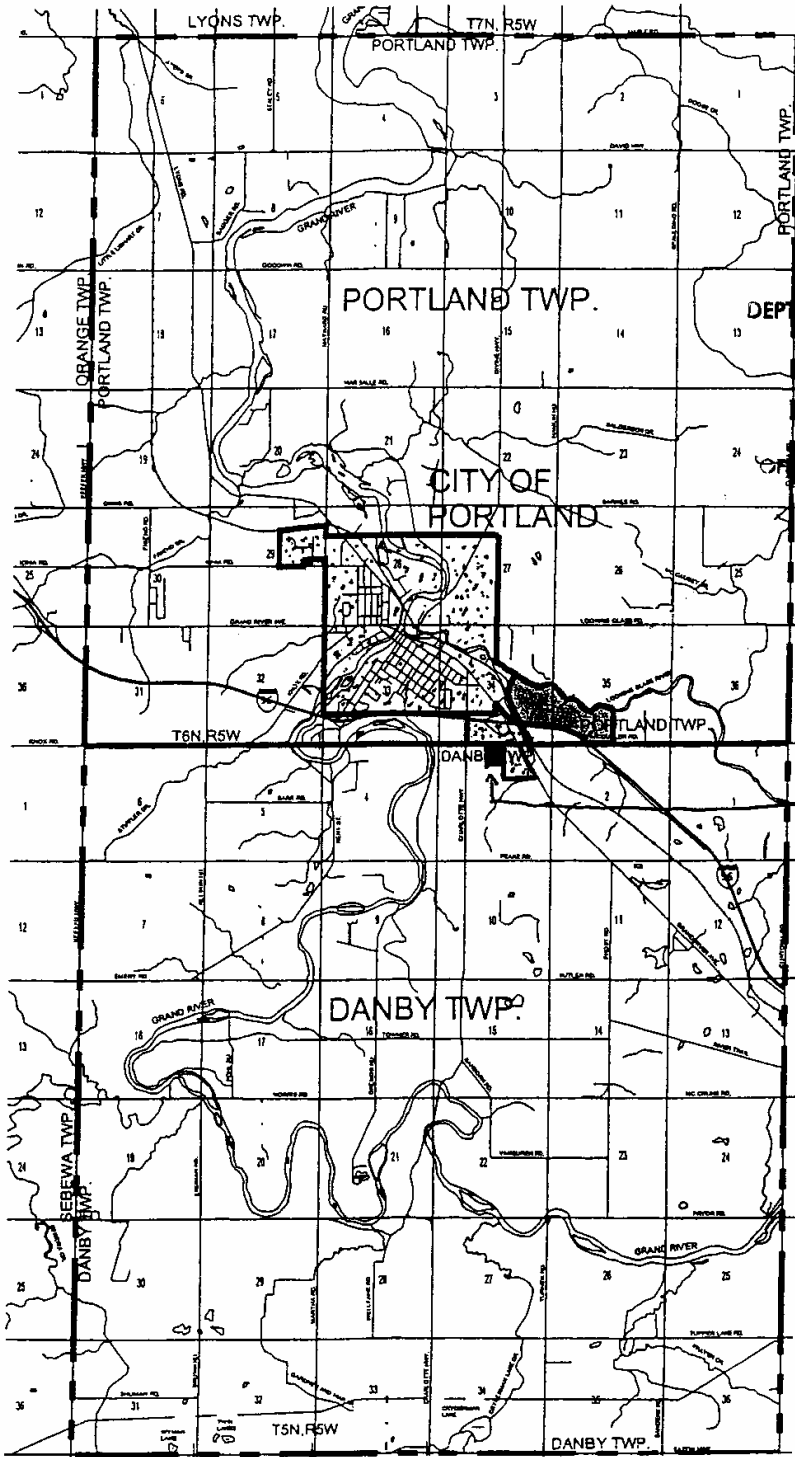
An Act 425 agreement was drafted by the Township and sent the City in the summer of 2006. At a City Council meeting on August 21, 2006, Township Supervisor Dick Pohl stated that "Danby Township agrees to the terms of the 425 agreement" (minutes of meeting). The City approved the agreement on September 5, 2006 (resolution No. 06-87). On September 13, 2006, the Township voted against signing the same agreement that it had proffered. In reference to why the township withdrew their offer, Danby Township Treasurer Elizabeth Kolarik stated at a joint meeting between the two entities on May 2, 2007 that "[the township] did not realize at the time that they would be kicking Tri-County out [of the Church property]." She then stated "We just aren't willing to do that" (minutes of meeting). (The Church's electric bill for the 2006-07 fiscal year was \$3,151). Treasurer Kolarik also stated that "What we have been and will continue to be concerned about is that [the City's] intention would be to go to the Boundary Commission to get the boundaries evened up to include the Credit Union property."

After this occurred, the City purchased 58 acres along Cutler Road and Grand River Ave. which is adjacent to the Church property and annexed it to the City through the Home Rule City Act. A petition for detachment has been filed and is slated for vote on November 6, 2007. Next, the City proposed 425 agreements for both properties. The Township said they would not consider combined agreements. The latest offer is a Consent and Franchise Agreement that would result in the Church being assessed at double the City's normal rates and not provided with any other municipal services. Although such an agreement is against City policy, the City stated that it would consider it "if doing so would resolve the dispute concerning jurisdiction over the City-owned property." (Dempsey letter to Township dated July 3, 2007). The City and the Township are using the Church as a pawn in their land war. Even more absurd is that both parties agree that if the use of the Church's property was ever taxable, then it should come within the City's jurisdiction. (May 2, 2007 minutes of meeting). The fact is the Church is being treated differently because it is a non-profit, non-taxable entity. An entity that seeks only to enhance what this community has to offer area residents – township and city.

The expansion project will be complete in October of this year. The Church will not be able to receive an occupancy permit if its water and sewer issues are not resolved. This is an urgent matter for them and should not be delayed by the City and Township's fight. Based on the *Criteria for Annexation, Incorporation, & Consolidation*, we request the Boundary Commission approve the annexation of the Church's property to the City of Portland.

PART VII

1110PART6\11\BSR121102



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CITY OF PORTLAND



PROPOSED
ANNEXATION
AREA

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JUL 27 2007

STATE BOUNDARY COMMISSION

IONIA COUNTY, MICHIGAN

Recorded.....

at.....o'clock.....

Liber.....of Deeds, Page.....

STATE OF MICHIGAN
Register of Deeds.WARRANTY DEED—SHORT—891
(PHOTO COPY FORM) DOUBLEDAY BROS. & CO., KALAMAZOO, MICH. 311297This Indenture, made 27th Day of June 1964
BETWEENRobert E. Ackerson and Margaret Ackerson Husband and Wife
Jointly of Charlotte Hwy., Portland, Michiganand¹ Portland Church of the Nazarene Bridge Street, Portland, Michigan

of the first part,

of the second part,

whose address is Bridge Street, Portland, Michigan

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and Other Good and Valuable Consideration to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, his heirs

Their and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township
of Danby County of Ionia and State of Michigan, and described as follows, to-wit:

The North Twenty Acres of the Northeast fractional one-quarter of the Northwest fractional one-quarter of Section 3, Danby Twp., T5N, R5W, Ionia County, Michigan,

Excepting therefrom lands previously sold to Crosby and recorded at the Register of Deeds Office for the County of Ionia in Liber 371 on Page 224 of Deeds, Containing 3.428 Acres leaving 16.572 Acres being conveyed by this deed.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to his heirs and assigns, FOREVER. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that at the time of the delivery of these presents he is well seized of the above granted premises in fee simple; that they are free from all incumbrances.

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and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,
OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of

John A. Dickinson

Ruth Richards

x Robert E. Ackerson
Robert E. Ackersonx Margaret Ackerson
Margaret Ackerson

Our Certificate was furnished in compliance with Act 126, R.S.A. 1963

STATE OF MICHIGAN. } ss.

COUNTY OF Ionia On June 27, 1964

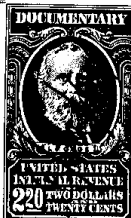
before me, a Notary Public in and for said County, personally appeared

Robert E. Ackerson and Margaret Ackerson Husband and Wife Jointly
to me known to be the same person s described in and who executed the within instrument, who They
acknowledged the same to be their free act and deed.

My commission expires 11-27-64 19

John A. Dickinson Notary Public,
Ingham Acting Ionia County, Michigan,Prepared by John A. Dickinson
501 Bridge Street
Portland, Michigan

DOCUME



Portland Church of the Nazarene
Special Church Board Meeting
Sunday, February 18, 2007

Members Present: Bob Atherton, Don Champlin, Beth Dean, Nancy Harmon, Eileen Main, Janice Newman, Matt Newman, Nick Rowe, Sandy Royston, Pastor Dan Stemen.

Discussion: A clear resolution is needed from the governing church board to pursue Annexation of the Portland Church of the Nazarene from Danby Township to the City of Portland. Also needed are specific completed forms toward this endeavor.

Resolution: Nick Rowe made the motion to proceed to the State Board of Boundaries for Annexation of the Portland Church of the Nazarene from Danby Township to the City of Portland.

The motion was seconded by Beth Dean. The church board members unanimously agreed to the motion.

Respectfully submitted:



Nancy L. Harmon
Church Board Secretary

February 18, 2007
Date

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STATE BOUNDARY COMMISSION

Portland Church of the Nazarene
Secretary's Report
Special Board Meeting- June 17, 2007

Present- Pastor Dan Stemen, Tom Stewart, Don Champlin, Fred VanAmburg, Bob Atherton, Emilie Wolf, Sandra Royston and Deborah Gould.

- I. Pastor Dan met with attorney Julie Beard Travis. She has agreed to represent us with our request to the State Board of Boundaries to be annexed into the city of Portland. She needs \$1,500 to begin the paperwork, and we need to give Fred VanAmburg the authority to sign legal paperwork for us.
 - A. Bob Atherton made a motion to give Julie Beard Travis \$1,500 to begin the legal paperwork. Don Champlin seconded the motion. Motion passed.
 - B. Don Champlin made the motion to give Fred VanAmburg the authority to sign legal paperwork for the church. Emilie Wolf seconded the motion. Motion passed.

Respectfully submitted,

Deborah Gould

Deborah Gould

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